

IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL

**Criminal Revision No. 885/2001
(Old No. 699 of 1995)**

Keshav Dutt		Revisionist
	Versus	
State of U.P. and others		Respondents

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri A. Rab learned Addl. G.A. and perused the record.

The revision was preferred against the judgment and order dated 9.3.1995 passed by the then Chief Judicial Magistrate, Pithoragarh in criminal case no. 510/1995, whereby the learned Magistrate had acquitted the accused under section 147, 427, 504, 323 IPC.

Perusal of the said judgment reveal that the prosecution witness, namely, complainant-Keshav Dutt (PW-1) had not proved the prosecution case in regard to the allegations of mischief by brick-batting. Since there was no evidence of brick batting the incident of any damage to the crop was not there and the learned CJM was fully justified in coming to the conclusion that the offence of mischief was not established by cogent evidence. The evidence of the other witnesses, namely, Banshidhar and Harish Chandra were also not found corroboration the allegations of the prosecution and therefore the judgment of acquittal was based on proper and fair appraisal of the evidence on record. There being no merit in this revision, the same cannot be admitted. The revision is dismissed. Consign.

(Irshad Hussain, J.)

Dated 06.04.2004

Rawat